

THE CITY OF CLAYTON

Board of Aldermen
City Hall – 10 N. Bemiston Avenue
December 10, 2013
7:00 p.m.

Minutes

Mayor Sanger called the meeting to order and requested a roll call. The following individuals were in attendance:

Aldermen: Michelle Harris, Andrea Maddox-Dallas, Cynthia Garnholz, Mark Winings, Joanne Boulton, and Alex Berger III.

Mayor Sanger
City Manager Owens
City Attorney O'Keefe

Mayor Sanger asked for any questions or comments relating to the November 12, 2013 minutes, which were previously provided to the Board.

Alderman Garnholz moved to approve the November 12, 2013 minutes. Alderman Maddox-Dallas seconded the motion.

The motion to approve the minutes passed unanimously on a voice vote.

PUBLIC REQUESTS AND PETITIONS

Mr. Louis Stiffelman, Velo Force Racing, addressed the Board with interest to promote a bike racing event in downtown Clayton.

St. Louis County Councilman Pat Dolan presented the City with a proclamation on Clayton's 100th Anniversary recognition.

Mr. Brian Schlatter, Davis Place resident, addressed the Board with regard to review of the City's dangerous dog ordinance.

Ms. Julie Jordan, St. Louis County Animal Control, addressed the Board requesting that the City review and amend the dangerous dog ordinance.

Ms. Kathy Backus, Clayton Garden resident, addressed the Board regarding the dangerous dog ordinance and how it relates to the dog park requirements.

Ms. Jennifer Talsly, 7608 Maryland Avenue, addressed the Board with regard to the sale and development of the Maryland School property.

Ms. Cami White, 7606 Maryland Avenue, addressed the Board with regard to the sale and development of the Maryland School property.

Mr. Scott Partridge, 7511 Westmoreland, addressed the Board with regard to the proposed sale of the Maryland School property. He urged the City to consider preserving the Maryland School property to be used as green space and provide a park and playgrounds for the neighborhood. He suggested that the City propose a land swap with the School District.

Mayor Sanger explained that the School District had received multiple offers including an offer from the City, but unfortunately the City's offer was rejected.

Ms. Julie Murphy, 7535 Westmoreland Avenue, addressed the Board with regard to the Maryland School property.

Mr. Hank Winkelman, 7405 Maryland Avenue, addressed the Board with regard to the Maryland School property.

A PUBLIC HEARING AND ORDINANCE TO REVISE CHAPTER 425 (SIGN REGULATIONS) TO ALLOW RETAIL ESTABLISHMENTS TO USE BANNERS AND BALLOONS

Mayor Sanger recommended tabling Bill No. 6418 until further discussion for a future Board meeting.

Alderman Harris moved to table Bill No. 6418. Alderman Maddox-Dallas seconded.

The motion passed unanimously on a voice vote.

A PUBLIC HEARING AND AN ORDINANCE TO CONSIDER A SUBDIVISION PLAT/LOT CONSOLIDATION FOR 8455 MARYLAND AVENUE

Mayor Sanger opened the Public Hearing and requested proof of publication.

City Manager Owens reported that this is a public hearing and subsequent ordinance to consider approving a subdivision plat for the consolidation of three existing parcels located in the Clayton Gardens No. 4 Subdivision.

On October 25, 2013, the City of Clayton received an application, plat and supporting documents from Stock and Associates Consulting Engineers, LLC, on behalf of Green Street Maryland Investors, LLC, owner of 8455 Maryland Avenue, requesting the consolidation of three separate parcels into one parcel in association with the development project approved by the Architectural Review Board on October 7, 2013.

The plat consolidates three parcels that have historically been under common ownership and addressed as 8455 Maryland Avenue. The newly consolidated lot will measure 28,161 square feet (0.65 acres).

The Plan Commission considered this request at its November 8, 2013 meeting and voted unanimously to recommend approval.

In response to Alderman Boulton's question, Susan Istenes stated that this is a consolidation of three separate parcels and the proposed changes are only to "clean-up" and consolidate all three parcels into one parcel.

Mayor Sanger closed the Public Hearing.

Alderman Harris introduced Bill No. 6419, a lot consolidation for 8455 Maryland Ave to be read for the first time by title only. Alderman Maddox-Dallas seconded.

City Attorney O'Keefe reads Bill No. 6419, an Ordinance Providing for the Approval of a Plat to Consolidate Certain Property Located in the City of Clayton, Missouri for the first time by title only.

The motion passed unanimously on a voice vote.

Alderman Harris introduced Bill No. 6419, a lot consolidation for 8455 Maryland Avenue to be read for the first time by title only. Alderman Maddox-Dallas seconded.

City Attorney O'Keefe reads Bill No. 6419 for the second time; Alderman Harris – Aye; Alderman Maddox-Dallas – Aye; Alderman Garnholz – Aye; Alderman Winings – Aye; Alderman Boulton – Aye; Alderman Berger – Aye; and Mayor Sanger – Aye. The Bill was adopted and became Ordinance No. 6294 of the City of Clayton.

A PUBLIC HEARING AND ORDINANCE ACCEPTING THE REPORT AND RECOMMENDATION OF THE 2013 REDISTRICTING COMMISSION

Mayor Sanger opened the Public Hearing and requested proof of publication.

City Manager Owens reported that this is a public hearing and resolution to consider approving the recommendation from the Redistricting Commission regarding redistricting the City's Ward boundaries.

The City Charter requires ward boundaries to be reviewed in the months after the next mayoral election following the release of each decennial census. In August 2013, the Board of Aldermen appointed a Redistricting Commission comprised of one registered voter from each of the three wards, which is responsible for recommending new ward boundaries based on the 2010 census data.

The Commission met with city staff twice in the month of October to discuss the redistricting process and possible changes in ward boundaries. Using the required redistricting criteria, it was determined that the population of the current wards exceeds the maximum allowable deviation in population and that redistricting was required.

Upon review of the 2010 census data, the standard redistricting criteria, and supplemental materials provided by City staff, the Commission reviewed four different redistricting scenarios. The Commission unanimously selected "Option 4" which would transfer the area east of South Hanley Road, North of Forest Park Parkway, and south of Forsyth Boulevard from Ward 3 to Ward 2 (see Exhibit A). The resulting population distribution is as follows:

	Current Wards		Option 4	
	Population	Deviation	Population	Deviation
Ward 1	5,493	3.39%	5,493	3.39%
Ward 2	4,820	-9.28%	4,994	-6.00%
Ward 3	5,626	5.89%	5,452	2.62%
Total	15,939	15.17	15,939	9.39
<i>Ideal population per ward</i>			5,313	

It was the opinion of the Commission that “option 4” meets the standard redistricting criteria and that it will be the least disruptive to existing neighborhoods.

Recommendation is to accept the recommendation of the Redistricting Commission, and adopt a new Ward Map.

City Manager Owens noted that the Commission members were in the audience to answer questions from the Board.

Alderman Boulton expressed her thanks and appreciation to the members of the Commission for their work.

Mayor Sanger closed the public hearing.

Alderman Harris introduced Bill No. 6420, an ordinance to approve a boundary adjustment as proposed by the Redistricting Commission to be read for the first time by title only. Alderman Maddox-Dallas seconded.

City Attorney O’Keefe reads Bill No. 6420, an Ordinance Adopting the Recommendation of the City of Clayton Redistricting Commission, Establishing New Ward Boundaries and Providing for an Effective Date for Same.

The motion passed unanimously on a voice vote.

Alderman Harris introduced Bill No. 6420, an ordinance to approve a boundary adjustment as proposed by the Redistricting Commission to be read for the second time by title only. Alderman Maddox-Dallas seconded.

City Attorney O’Keefe reads Bill No. 6420 for the second time; Alderman Harris – Aye; Alderman Maddox-Dallas – Aye; Alderman Garnholz – Aye; Alderman Winings – Aye; Alderman Boulton – Aye; Alderman Berger – Aye; and Mayor Sanger – Aye. The Bill was adopted and became Ordinance No. 6295 of the City of Clayton.

In response of Mayor Sanger’s question, City Manager Owens stated that staff will send out information via E-blast and post to the City’s website and will notify the residents affected by the change.

AN ORDINANCE PROVIDING FOR THE APPROVAL AND EXECUTION OF A MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY OF CLAYTON AND THE INTERNATIONAL ASSOCIATION OF FIREFIGHTERS LOCAL 2665

City Manager Owens reported that the City of Clayton, through its Fire Department, provides Fire Prevention, Fire Inspection/Code Enforcement, Fire Suppression, Rescue, and Emergency Medical Services (EMS) to our community.

The City recognizes the International Association of Firefighters Local 2665, IAFF, AFL-CIO, CLC as the exclusive bargaining representative for the unit found appropriate for the purposes of collective bargaining in Public Case number 91-019 as follows: “a unit consisting of full-time employees of the Clayton Fire Department excluding the Fire Chief, the Assistant Chief/Fire Marshall, Battalion Chiefs, and all clerical workers.”

This proposed Memorandum of Understanding (“MOU”) has been reached as a result of the parties’ good faith efforts to meet, confer, discuss and bargain in good faith in accord with Chapter 105 of the Missouri statutes. The representatives of the parties have met, discussed, and agreed upon a proposed resolution of certain issues affecting the terms and conditions of employment that have a specific fiscal impact for the FY2014 municipal budget. Recommendation is to approve the ordinance.

Alderman Harris introduced Bill No. 6421, an ordinance to authorize the City Manager to execute an agreement with IAFF Local 2665 to be read for the first time by title only. Alderman Maddox-Dallas seconded.

City Attorney O’Keefe reads Bill No. 6421, an Ordinance Authorizing the City Manager to Execute An Agreement With the International Association of Firefighter, Local 2665 for the second time by title only; Alderman Harris – Aye; Alderman Maddox-Dallas – Aye; Alderman Garnholz – Aye; Alderman Winings – Aye; Alderman Boulton – Aye; Alderman Berger – Aye; and Mayor Sanger – Aye. The Bill was adopted and became Ordinance No. 6296 of the City of Clayton.

AN ORDINANCE TO CONSIDER APPROVING AN AGREEMENT WITH SAINT LOUIS COUNTY TO USE CONDUIT OWNED BY THE CITY OF CLAYTON

City Manager Owens reported that the County has requested use of City owned conduit to house a County owned fiber optic cable that will connect the County’s traffic signal communication network to the County’s main communication network that has been relocated to 7900 Forsyth Boulevard. The scope of work includes installation of a single piece of fiber optic cable from the intersection of South Meramec Avenue and Bonhomme Avenue to the Data Center on the third floor of 7900 Forsyth Boulevard. The City’s conduit system used for traffic signal communication has additional capacity. This memorandum of understanding authorizes the City to permit the County to install a new conduit into the existing traffic signal pull box on the southeast corner of South Meramec Avenue and Forsyth Boulevard.

The City shall retain rights to the conduit to install/maintain additional facilities within the conduit. If the City determines that the capacity of the conduit is full and the City has a need for space within the conduit, the County has agreed to remove their cables upon request of the City. The City will continue to own and maintain the City owned conduit.

Recommendation is to approve the ordinance authorizing the City Manager to execute an agreement with St. Louis County to use conduits owned the City of Clayton.

Alderman Harris introduced Bill No. 6422, an ordinance to authorize the City Manager to execute an agreement with St. Louis County for use of the City's conduit to be read for the first time by title only. Alderman Maddox-Dallas seconded.

City Attorney O'Keefe reads Bill No. 6422, an Ordinance Authorizing the City Manager to Execute an Agreement with St. Louis County, Missouri to Use a Conduit Owned By the City of Clayton for the first time by title only.

In response to Mayor Sanger's question, City Manager Owens confirmed that if the City determines that the capacity of the conduit becomes full and the City has a need for space within the conduit, the County has agreed to remove their cables upon request of the City.

The motion passed unanimously on a voice vote.

Alderman Harris introduces Bill No. 6422, an ordinance to authorize the City Manager to execute an agreement with St. Louis County for use of the City's conduit to be read for the second time by title only. Alderman Maddox-Dallas seconded.

City Attorney O'Keefe reads Bill No. 6422 for the second time; Alderman Harris – Aye; Alderman Maddox-Dallas – Aye; Alderman Garnholz – Aye; Alderman Winings – Aye; Alderman Boulton – Aye; Alderman Berger – Aye; and Mayor Sanger – Aye. The Bill was adopted and became Ordinance No. 6297 of the City of Clayton.

A RESOLUTION TEMPORARILY ADOPTING A DOWNTOWN RETAIL & RESTAURANT EMPLOYEE PARKING INCENTIVE PROGRAM

City Manager Owens reported that staff has created a policy in an attempt to help alleviate some parking issues within the downtown. Staff has worked with local businesses in drafting the policy and the policy has been reviewed and endorsed by the Economic Development & Vibrant Downtown Action team. It is staff's intention to offer the following policy as an experiment to determine its effectiveness. Therefore, we recommend that the policy be reevaluated nine (9) months from the date of adoption.

Alderman Berger expressed to the Board that he feels a little uncomfortable that not enough information has been shared which may be a bit confusing to the businesses and its employees.

In response to Mayor Sanger's question, City Manager Owens stated that the staff would track the usage and report accordingly.

Alderman Harris moved to approve to approve Resolution No. 13-29, a downtown retail and restaurant employee parking assistance program. Alderman Maddox-Dallas seconded.

The motion passed unanimously on a voice vote.

A RESOLUTION TO CONSIDER APPROVING A REVISED PROJECT LIST FOR THE CLAYTON CENTURY FOUNDATION TO USE AS FUNDRAISING TARGETS

City Manager Owens reported that we are returning to the Board of Aldermen to request that the Century Garden and Special Events sponsored by the City of Clayton be added to the approved project list for the purpose of fundraising by the Clayton Century Foundation. Funds will be raised to help offset the costs associated with improvements to the Clayton Century Garden and events

either produced by the City or events for which the City acts as the principle sponsor. While planning is still taking place for fiscal year 2014 events it is anticipated that the events will have a budget in excess of \$200,000. The Century Garden, a priority project of the Shaw Park Master Plan Overlay, was recently approved by the Parks and Recreation and the Board of Aldermen.

Alderman Berger asked if it is still fair (or necessary) to continue to refer to the massive list as the priority list and is it not more important to pare down the list to be clear in the intentions around what are the priorities. He feels that the list is out of date and it doesn't need to be continually referred to in the communication.

Alderman Boulton stated that she believes for the Century Foundation to fundraise for any project then it should be included on the approved list. If the list is pared down and an opportunity arises then the Century Foundation cannot take advantage of fundraising for that opportunity.

Alderman Maddox-Dallas added that as she recalls when the list was created the Board liked the variety because of personal preferences of different donors i.e. doing something with history versus doing something with the park.

Alderman Harris added that the list of approved projects could still have things added to them, such as the dog park (water fountain), which could require continued/additional fundraising. She said that she is all for prioritizing and doesn't see any reason why they cannot separately communicate with Century Foundation if there are top priorities that they would appreciate focusing their funding on.

Alderman Winings suggested that some direction is given to CCF and feels it is timely because they are at a stage where they will begin accessing the list and begin mapping out two to three year plan.

Mayor Sanger, in agreement stated that there should be a conversation with CCF, which January 1 they will have a new president, and make sure that everyone is in agreement with those priorities.

Alderman Harris moved to approve Resolution No. 13-30, to add special events to the approved projects list. Alderman Maddox-Dallas seconded.

The motion passed unanimously on a voice vote.

A MOTION TO CONSIDER AN APPEAL FROM ARCHITECTURAL REVIEW BOARD ACTION FOR 15 NORTH MERAMEC AVENUE

City Manager Owens reported that this is an appeal of the Architectural Review Board's decision to deny Brian Ivy's application for exterior renovations to the front façade of the subject building.

At the October 7, 2013 Plan Commission/Architectural Review Board meeting, the Architectural Review Board considered the design and materials associated with proposed front façade renovations that included removing the existing storefront and recessing it approximately eighteen (18) feet back toward the interior of the building in order to create an open, covered dining area for use by potential future tenants. The project also included new aluminum storefront window transoms, framed openings to the new tenant storefront and a new entry door on the south elevation. Existing brick would also be restored or cleaned as needed (see attachment).

Pursuant to Section No. 400.230 "Appeals", an aggrieved party may, within fifteen (15) days of the decision for which redress is sought, file with the Board of Aldermen a written request for

reconsideration and appeal of any decision of the Architectural Review Board. The written request must set forth in a concise manner the decision being appealed and all grounds known to the appellant as to wherein and why the decision is allegedly in error.

The Board of Aldermen may consider the appeal on the record of the prior decision by the Architectural Review Board or may, at its sole discretion, receive additional evidence in such manner as it deems appropriate in light of the circumstances associated with this application for appeal.

On October 22, 2013, the City received a letter dated October 22, 2013, (copy attached) from Brian Ivy, project architect, on behalf of CC Sedlak Properties, LLC, appealing the decision to deny the proposed renovations.

The appeal speaks to the building's orientation, the owner's vision for this property, and the fact that City staff recommended approval without condition of the proposed renovations.

Board of Aldermen Review:

The Board of Aldermen may consider the appeal on the record of the prior decision (Plan Commission/Architectural Review Board Minutes of October 7, 2013 - attached) or, may, at its sole discretion, receive additional evidence in such manner as deemed appropriate in light of the circumstances.

Recommendation is to make a motion to uphold the Architectural Review Board's decision by denying the appeal.

Mayor Sanger asked if there was someone in the audience on behalf of the applicant to address the Board and no one was in attendance nor came forward.

Alderman Harris moved to uphold the ARB decision and deny the appeal. Alderman Maddox-Dallas seconded.

The motion passed unanimously on a voice vote.

Other

The Mayor and the Board of Aldermen commended the staff on a great job on the year's Centennial celebration and its success. The Party of the Century was amazing and very well done.

Alderman Maddox-Dallas commented that she is happy that the City will be addressing the breed-specific dangerous dog ordinance.

Alderman Boulton reported that Livable Communities held a recent meeting which was well attended.

City Manager Owens noted that this would be Chief Byrne's last Board meeting of his career.

Chief Byrne addressed the Board stating that when he started at Clayton over 41 years ago it was so great to be working for Clayton. A city that set the standards above and he cannot think of one time in his whole career that he was disappointed about being here. Clayton is a great community, with great elected officials, and it's very well run with great management. Clayton sets the bar for other communities. When you work for such an organization you never have to be embarrassed to

tell someone where you work. Clayton is such a tremendous place and thank you all for the 41 plus years, but now he will enjoy is retirement.

Mayor Sanger noted that John Wulf's, son, John was in the audience.

Alderman Berger moved that Board adjourn to a closed meeting, with a closed vote and record, as authorized by Section 610.021(1), (2) and (3) Revised Statutes of Missouri, relating to legal issues, real estate and/or personnel, and to discuss matters related to negotiation of a contract pursuant to Section 610.021(12), RSMo. and/or proprietary information pursuant to Sec. 610.021(15). Alderman Boulton seconded the motion.

Alderman Harris – Aye; Alderman Maddox-Dallas – Aye; Alderman Garnholz – Aye; Alderman Winings – Aye; Alderman Boulton – Aye; Alderman Berger – Aye; and Mayor Sanger – Aye.

There being no further regular business the meeting was adjourned at 8:15 p.m.

Mayor

ATTEST:

City Clerk